

# COASTAL CONSERVANCY

Staff Recommendation

May 19, 2011

## WATERSHED RESTORATION DESIGN & PERMIT TECHNICAL ASSISTANCE

Project No. 08-071-01

Project Manager: Kate Goodnight

**RECOMMENDED ACTION:** Authorization to disburse an additional \$160,000 to Alnus Ecological, Inc. to continue to provide environmental services to the Conservancy to guide development of watershed restoration projects that meet resource goals and achieve full compliance with all applicable environmental regulations.

**LOCATION:** Coastal and San Francisco Bay watersheds

**PROGRAM CATEGORY:** Integrated Coastal and Marine Resources Protection

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### RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31111 and 31220 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes an amount not to exceed one hundred sixty thousand dollars (\$160,000) to Alnus Ecological, Inc. to augment the existing contract providing environmental services to the Conservancy to guide development of watershed restoration projects that meet resource goals and achieve full compliance with all applicable environmental regulations, subject to the condition that prior to commencement of work, the Executive Officer of the Conservancy shall approve in writing a work program, schedule of completion, task budget, and any contractors to be employed.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Section 31111 and Chapter 5.5 of Division 21 of the Public Resources Code, regarding, respectively, project planning and development and integrated coastal and marine resources protection.

## **PROJECT SUMMARY:**

Staff recommends authorization to disburse an additional \$160,000 to Alnus Ecological, Inc. (Alnus) to continue to provide environmental services to the Conservancy to guide development of watershed restoration projects so that the projects meet resource goals and achieve full compliance with all applicable environmental regulations. The original \$100,000 retainer contract, entered into by the Executive Officer under his delegated authority, is nearing completion. The proposed augmentation would allow the contract to be extended another three years.

The Conservancy has found that providing technical assistance early in development and permitting of a project can save both time and money in getting a project designed, permitted and constructed. All too frequently, watershed restoration projects are designed by consultants who do not have expertise in the field of environmental regulation. This can lead to costly redesign and long delays to obtain permit approvals. Knowing at the beginning of the project development the environmental permitting requirements that may exist and tailoring the project to meet those requirements (such as identification of needed mitigation measures) saves both time and money and leads to better projects.

Alnus is an Oakland-based consulting company that specializes in guiding project leads through the complex territory of environmental regulation and developing a process for the design of restoration projects that leads to successful permit approvals. Jim Robins, principle of Alnus, serves as a liaison with federal, state, and local regulators to get their input early on in the design process and to coordinate the permit application submittals. This has led to effective projects that meet their resource goals and efficiently move into project implementation.

For the last three years, Alnus has been retained by the Conservancy to provide environmental services for technical, design, and environmental permitting assistance for complex watershed projects undertaken directly by the Conservancy or using Conservancy funding. To-date, the Alnus environmental services contract has included projects as diverse and complex as assessing water right issues on the Sand Hill Bluffs property in Santa Cruz County to address both agricultural and environmental concerns, providing technical support for the restoration planning process on Watsonville Sloughs Farms that meets environmental regulations and allows for compatible agriculture, and working with the Elkhorn Slough National Estuarine Research Reserve to develop projects that restore Elkhorn Slough and improve water quality.

In addition to successfully providing the environmental services described above, Jim Robins also serves as the Project Coordinator for the Integrated Watershed Restoration Program (IWRP) for San Mateo, Santa Cruz, and Monterey Counties, and is a large part of why that program has been so successful. His unique skill set of technical, regulatory, and project management expertise fulfill a much needed niche that has resulted in scores of restoration projects being successfully implemented.

**Site Description:** The environmental services provided under this authorization will be available for projects in coastal and San Francisco Bay watersheds throughout the Conservancy's jurisdiction.

**Project History:** In 2008, Conservancy staff determined that there was sufficient need for an environmental services retainer contract to assist with developing complex watershed restoration projects. Under the environmental services solicitation process in Government Code Section 4525, et seq., Conservancy staff reviewed Statements of Qualifications from consultants who had expertise in the fields of environmental regulation and watershed design and planning. The Conservancy made it known at that time that the resultant contract was subject to future extension and increase, in the event additional funding were available. Three firms were interviewed, with Alnus being selected as the one with the most relevant experience and qualifications. The \$100,000 original contract was authorized by the Executive Officer in accordance with the authority delegated to him by the Conservancy on September 25, 2001 to enter into contracts under \$200,000 for technical and other services needed to develop and implement Conservancy projects. Language in the contract allows for it to be both extended and augmented, but, because the augmentation will bring the total contract in excess of the \$200,000 limit the Executive Officer may approve, this request seeks Conservancy authorization.

## **PROJECT FINANCING**

Coastal Conservancy (this authorization)	\$160,000
Coastal Conservancy (previously authorized by EO)	\$100,000

<b>Total Project Costs</b>	<b>\$260,000</b>
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The proposed source of Conservancy funds for this authorization is an appropriation to the Conservancy from Proposition 84, “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.” These funds may be used for projects for restoration and protection of land and water resources that are undertaken pursuant to the Conservancy’s enabling legislation, Division 21 of the Public Resources Code. The environmental services to be provided by Alnus will develop projects that will serve to protect and restore coastal watersheds by preparing designs and permits for projects that protect or restore fish and wildlife habitat within coastal watersheds or reduce unnatural erosion and sedimentation of coastal watersheds. The proposed environmental services are also consistent with the Conservancy’s enabling legislation, as discussed in the “Consistency with Conservancy’s enabling legislation” section below.

Section 75060(e) of the Public Resources Code specifically allocates Conservancy funding for Monterey Bay and its watersheds, which is defined in Section 75072.5 to include the Carmel River watershed. A portion of the Proposition 84 funding for the proposed environmental services will come from funds specifically allocated to Monterey Bay and will only be used on projects that are located in the designated area.

Proposition 84 also requires that for potential projects that include acquisition or restoration for the purpose of natural resources protection, the Conservancy give priority to potential projects that meet one or more of the criteria specified in Section 75071. The proposed environmental services will develop projects that satisfy the following specified criterion: Section 75071(b) regarding watershed protection in that the design projects are watershed restoration projects that will contribute to the long-term protection of and improvement to the water and biological quality of the streams, aquifers, and terrestrial resources of priority watersheds of the major biological regions of the state by reducing erosion, restoring natural floodplains, removing

barriers to fish passage, re-establishing native vegetation, and other watershed protection measures.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

This environmental services contract would be undertaken pursuant to Section 31111 of the Conservancy's enabling legislation, Division 21 of the Public Resources Code, which provides that the Conservancy may fund and undertake plans and feasibility studies in order to carry out the purposes of the division. In particular, this environmental services contract would assist the Conservancy in developing watershed restoration projects consistent with Chapter 5.5 (Section 31220) regarding Integrated Coastal and Marine Resources Protection, including assistance with projects that will restore fish habitat within coastal watersheds, reduce the threats to coastal anadromous fish, reduce unnatural erosion, and restore riparian areas and other sensitive watershed lands by identifying and designing projects that will modify fish passage barriers, and reduce excessive sedimentation from poorly maintained rural roads.

**CONSISTENCY WITH CONSERVANCY'S 2007  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 5, Objective A** and **Goal 6, Objectives A, C, and E** of the Conservancy's 2007 Strategic Plan, the proposed environmental services will assist the Conservancy in producing 5-8 plans and designs for projects in Elkhorn Slough, Watsonville Slough, and other areas throughout the Conservancy's jurisdiction that will restore and enhance coastal habitat (5A); restore watersheds and river parkways (6A); improve water quality (6C); and remove barriers to fish (6E).

**COMPLIANCE WITH CEQA:**

The funding of an environmental services contract is not considered a "project" under California Environmental Quality Act (CEQA) because this activity alone does not have the potential for having a physical effect on the environment as defined under 14 Cal Code of Regulations Section 15378.

Even if a "project" for purposes of CEQA, the development of engineering designs and preparation of permit applications for watershed restoration projects, are nonetheless statutorily exempt from review under CEQA pursuant to 14 Cal. Code of Regulations Section 15262, in that these actions involve only planning studies and feasibility analyses for possible future actions which the agency has not approved, adopted, or funded. These activities are also exempt under Section 15306, which exempts basic data collection and resource evaluation activities.

Staff will file a Notice of Exemption upon approval of the project.